

Message Text

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PAGE 01 THE HA 03251 250538Z

15

ACTION SCI-06

INFO OCT-01 EUR-25 ADP-00 INT-08 AID-20 CEQ-02 CIAE-00

COA-02 COME-00 DODE-00 EB-11 EPA-04 INR-10 IO-13 L-03

NSF-04 NSC-10 NSAE-00 PM-07 RSC-01 SS-15 CEA-02 EA-11

FRB-02 NEA-10 OPIC-12 TRSE-00 CIEP-02 LAB-06 SIL-01

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SCI/EN FOR HERTER

E.O. 11652: N/A

TAGS: SENV, EEC

SUBJECT: EEC COUNCIL MEETING - ENVIRONMENTAL AFFAIRS MINISTERS

REF: EC BRUSSELS 4167

SUMMARY: DUTCH WERE ONLY PARTIALLY SUCCESSFUL IN GETTING THEIR IDEAS ON THIRD COUNTRY CONSULTATIONS RE ENVIRONMENTAL MEASURES ACROSS AT SUBJECT MEETING. THEY NOW WISH US COOPERATION IN ARRANGING FOR PILOT OECD CONSULTATION ON PENDING DUTCH AIR POLLUTION REGULATION. END SUMMARY.

1. MFA DIRECTOR VAN SCHAIK HAS CONFIRMED TO US THAT REFTTEL IS REASONABLY ACCURATE ACCOUNT OF EC COUNCIL MEETING ON ENVIRONMENT. HE SAID DUTCH HAD MADE SOME CORRIDOR SOUNDINGS ON TWO FORMULATIONS PROVIDING GREATER FLEXIBILITY FOR COMMISSION IN CONSULTATIONS WITH INTERNATIONAL BODIES AND THIRD COUNTRIES.

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PAGE 02 THE HA 03251 250538Z

STANDSTILL FEATURE OF MORE AMBITIOUS ALTERNATIVE WAS OBJECTIONABLE

TO SOME PARTNERS SO DUTCH FINALLY TABLED FOLLOWING LANGUAGE WHICH WILL BE CONSIDERED BY PERMREPS:

"THE COUNCIL, IN ADOPTING THE ACTION PROGRAMME, DECLARES THAT IN IMPLEMENTING THE DIRECTIVES OF THE PROGRAMME, CLOSE CONSULTATION WILL BE PURSUED IN THE APPROPRIATE INTERNATIONAL ORGANIZATIONS (NOTABLY O.E.C.D.), SO AS TO ENSURE THAT THE DEVELOPMENT OF THE ENVIRONMENT POLICIES IN THE EUROPEAN COMMUNITIES AND IN OTHER COUNTRIES WILL, IF DEEMED DESIREABLE, BE MUTUALLY ADOPTED."

2. DUTCH REMAIN INTERESTED, HOWEVER, IN ARRANGING FOR PILOT CONSULTATIONS IN OECD FORUM WHICH THEY HOPE WILL SET USEFUL PRECEDENT AND KEEP EC AVENUES OPEN TO THIRD COUNTRIES. WITH THIS IN MIND VAN SCHAIK HANDED US TEXT OF PROPOSED DUTCH REGULATION ON SODIUM DIOXIDE TOLERANCES UNDER AIR POLLUTION LAW OF 1970. VAN SCHAIK EXPLAINED THAT THIS DRAFT IS NOW UNDER REVIEW IN COMMISSION UNDER EC NOTIFICATION AND STANDSTILL PROCEDURE AND FOR POSSIBLE USE AS EC STANDARD. DUTCH HAVE INDICATED TO COMMISSION THEIR INTENT TO CONSULT WITH THIRD COUNTRIES EITHER BILATERALLY OR MULTILATERALLY BUT COMMISSION HAS NOT GIVEN UNQUALIFIED APPROVAL FOR THIS.

3. VAN SCHAIK HAS ASKED THAT DUTCH DRAFT BE EXAMINED AS SOON AS POSSIBLE BY APPROPRIATE US AGENCIES. IF USG FINDS THAT IT IS REASONABLE AND POSES NO COMPETITIVE PROBLEMS FOR US INDUSTRY, DUTCH WOULD THEREUPON INFORM OECD SECRETARIAT. IF OTHER OECD MEMBERS SHOULD EXPRESS INTEREST IN CONSULTATIONS, DUTCH WOULD HAVE "POSITIVE ATTITUDE" SUBJECT TO VIEWS TO BE EXPRESSED BY OTHER EC MEMBER COUNTRIES. WITH US AND DUTCH ALREADY IN AGREEMENT, AND NO SERIOUS PROBLEMS WITH OTHER EC MEMBERS, SUCH CONSULTATION PRESUMABLY WOULD GO SMOOTHLY.

4. VAN SCHAIK EMPHASIZED THAT US REVIEW OF DUTCH DRAFT SHOULD NOT BE CONSTRUED AS FORMAL US/DUTCH CONSULTATION BUT MERELY AS MEANS OF COMING TO JUDGMENT WHETHER OECD CONSULTATION WOULD YIELD SATISFACTORY RESULT. IN VIEW OF EQUIVOCAL COMMISSION ATTITUDE, HE ASKED THAT WE KEEP OUR BILATERAL ACTIVITIES CONFIDENTIAL. VAN SCHAIK MENTIONED THAT THE NEXT OECD ENVIRONMENT COMMITTEE MEETING IS SCHEDULED FOR END NOVEMBER AND THAT HE WOULD LIKE TO COMPLETE OECD CONSULTATION BEFORE THEN IF AT ALL POSSIBLE IN LIMITED OFFICIAL USE

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PAGE 03 THE HA 03251 250538Z

ORDER TO FACILITATE DISCUSSION RE AGENDA ITEM ON EMISSIONS FROM FIXED INSTALLATIONS.

5. WE WOULD WELCOME ADDRESSEE COMMENTS ON THIS PROCEDURE. DUTCH DRAFT WILL BE AIRPOUCHED IN ANY CASE TO HERTER OF SCI/EN.
TANGUY

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